

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

APRIL STIMSON,

2:17-cv-13458-TGB-DRG

Plaintiff,

HON. TERRENCE G. BERG
HON. DAVID R. GRAND

vs.

NANCY BERRYHILL,
COMMISSIONER OF SOCIAL
SECURITY,

ORDER ADOPTING
MAGISTRATE JUDGE'S
REPORT AND
RECOMMENDATION ON
CROSS-MOTIONS FOR
SUMMARY JUDGMENT

Defendant.

ORDER

This matter is before the Court on Magistrate Judge David R. Grand's November 21, 2018 Report and Recommendation (ECF No. 24) recommending that the Defendant Acting Commissioner of Social Security's Motion for Summary Judgment (ECF No. 14) be denied, and Plaintiff April Stimson's Motion for Summary Judgment (ECF No. 13) be granted in part to the extent it seeks remand and denied in part to the

extent it seeks an award of benefits, and that this case be remanded to the Administrative Law Judge for further proceedings consistent with Magistrate Judge Grand's Report and Recommendation, as provided by 42 U.S.C. § 405(g).

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendation. 28 U.S.C. § 636(b)(1). As of this date, neither party has filed any objections to Magistrate Judge Grand's Report and Recommendation.

The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). The Court will therefore accept the Magistrate Judge's Report and Recommendation of November 21, 2018 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Grand's Report and Recommendation of November 21, 2018, (ECF No.

24) is **ACCEPTED** and **ADOPTED**. It is further ordered that the Acting Commissioner of Social Security's Motion for Summary Judgment (ECF No. 14) is **DENIED**, and April Stimson's Motion for Summary Judgment (ECF No. 13) is **GRANTED** in part to the extent it seeks remand and **DENIED** in part to the extent it seeks an award of benefits, and that this case be remanded to the Administrative Law Judge as provided by 42 U.S.C. § 405(g) for further proceedings consistent with Magistrate Judge Grand's Report and Recommendation.

SO ORDERED.

Dated: December 28, 2018

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on December 28, 2018, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager